

B.P.

vs.

City of Johnson City, Tennessee, et al,

BRADY HIGGINS

May 22, 2024



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1 Q. So your supervisors were aware that
2 there was a report of child sexual exploitation?

3 A. They seen the statement.

4 Q. So they reviewed A.A.'s statement?

5 A. Yes.

6 Q. Who reviewed her statement?

7 A. It would have been the supervisor
8 that was on back in CID at that time. Whenever we
9 would sit down and review the case, we had the ADA
10 review it. And according to here, whenever I spoke
11 with ADA, Toma Sparks was the acting sergeant at
12 that time, which went with me to -- to meet with ADA
13 Ray. And then I'd say David Hilton was the sergeant
14 at that time, Don Shepard and Captain Ken Peters.

15 Q. So they were all aware that A.A.
16 had reported a child sexual exploitation.

17 MS. TAYLOR: Object to the form of
18 the question.

19 Q. (BY MS. BAEHR-JONES) Based on your
20 conversations -- let me -- let me ask you this.

21 How often were you updating your
22 supervisors about the cases you were investigating?

23 MR. GRANT: Object to form.

24 Q. (BY MS. BAEHR-JONES) How often did
25 you have updates with your supervisors about your

1 working to see how they -- we don't know where we're
2 going to. We don't -- sometimes the witnesses are
3 not the most cooperative. So it's just a common
4 practice to take somebody as a witness or to -- they
5 may think of stuff that you don't while you're
6 talking to them.

7 Q. What about when someone comes in to
8 interview at JCPD? Is it common practice to have at
9 least two people there to do the interview?

10 A. Sometimes it's one; sometimes it's
11 two.

12 Q. When you were interviewing A.A.,
13 there was a video camera recording, correct?

14 A. Yes.

15 Q. Was anyone watching from outside
16 the room?

17 A. Yes, I assume so. My supervision
18 was.

19 Q. Who was watching?

20 A. I believe Captain Peters. I
21 can't -- I don't recall who the other sergeant was.
22 The lieutenant was off that day, since
23 Captain Peters was working. I do not recall who the
24 sergeant was that had been on duty.

25 Q. When you stepped out to take breaks

During the interview, did you talk to the people who were watching the video?

A. Most likely. Let them know, inform them what's going on, what's being said.

Q. Did they give you advice on what to ask?

A. Sometimes, yes.

Q. Did Captain Peters give you advice on what to ask?

A. Most likely, yes.

Q. Did that typically happen that Captain Peters was watching on video when you interviewed somebody at JCPD headquarters?

A. He -- for the most part he was invested in the cases that came in. He would watch. Because sitting in a squad room just down the hallway, you could hear people's monitors. A lot of times -- it wouldn't be just this case. It would be other cases, and you would hear monitors from the supervision or from other investigators where they're watching and listening to assist each other.

Q. To your memory, did you ever have an interview of a sexual assault victim who you went out to get advice from Captain Peters on how to ask questions?

1 MR. GRANT: Object to form.

2 A. Not to my knowledge.

3 Q. (BY MS. BAEHR-JONES) Other than
4 this case.

5 A. Not other than this one.

6 Q. You mentioned you worked on --
7 actually, I didn't ask you this.

8 What types of cases do you work on
9 in CID?

10 A. Now I work motor vehicle thefts,
11 and I get assigned a lot of the violent crime stuff.

12 Q. What about fugitive cases? Do you
13 work fugitive cases?

14 A. I've attempted -- I mean, we -- if
15 I'm assigned to go find somebody, I'll do my
16 diligence to do that.

17 Q. Have you ever been assigned to
18 somebody who absconded to a fugitive case?

19 A. No.

20 Q. Is there a special unit in JCPD
21 that handles fugitive cases?

22 A. No.

23 Q. Do you typically hand those off to
24 the marshals, if you have a fugitive in one of your
25 cases?

Q. To your knowledge, did any of those supervisors have experience working on child pornography cases?

A. I do not know.

Q. Did -- at any point during those conversations, did you talk about what a collector of child pornography would do?

A. No.

Q. Are you aware that for those devices DA Investigator Mike Little got a search warrant in June -- July of 2023?

A. Not aware.

Q. Are you aware of what was found on those devices?

A. Not aware.

Q. Would it surprise you to know that there was child pornography production found on those devices?

MULTIPLE ATTORNEYS: Object to

MR. GRANT: Same objection.

A. Not aware of that.

Q. (BY MS. BAEHR-JONES) I don't see you taking any notes during that time.

Did you write this down anywhere in

1 your report?

2 A. I do not recall. I know it was in
3 her statement.

4 Q. I believe what you wrote in your
5 report is that she saw Williams and children on the
6 phone, correct?

7 And let's take a look at that
8 section. So this would be on Page 1.

9 A. Yes. I said -- I stated that in
10 January of 2021, she had opened Williams' phone that
11 was in the bed and observed several photos of
12 Williams that appear to have children.

13 Q. But you don't put in that they
14 appeared that Williams's penis was in the children's
15 mouth, do you?

16 A. I do not.

17 Q. Do you think there's a big
18 difference between seeing Williams with children and
19 seeing Williams with his penis in children's mouths?

20 A. I would -- I just left the report
21 vague.

22 Q. Would that be the difference
23 between nothing at all and a felony offense?

24 A. No.

25 MR. GRANT: Object to form.

1 Q. (BY MS. BAEHR-JONES) Why didn't you
2 put that in the report?

3 A. It was in her statement.

4 Q. So you didn't think it was
5 important enough to make it into the report?

6 A. It was in her statement that was
7 connected to the report.

8 Q. Well, does she put -- let's look at
9 that.

10 At the time that she's talking to
11 you, you don't know what's going to be in her
12 statement yet, right, because she hasn't written it?

13 A. I'm just listening to what she says
14 at the time.

15 Q. But you don't take any notes about
16 that fact.

17 A. I'm listening to what she's having
18 to say, so I'm not distracted.

19 Q. Do you think that this part of your
20 report may have been changed?

21 A. I do not think so.

22 Q. Do you remember putting in more
23 details at some point about Williams putting his
24 penis in children's mouths into your narrative
25 statement of the case?

1 A. Not that I recall.

2 Q. Okay. Let's see the next clip.

3 Let's look at 11:40.

4 MR. RADER: The same video Bates
5 number?

6 MS. BAEHR-JONES: It's the same
7 exhibit.

8 (Video playing).

9 VIDEO INTERVIEWEE: That when he
10 was 10 years old, he crawled in his
11 babysitter's window and got her pregnant.
12 So he has a daughter that's more or less his
13 age, and she was bringing all six of her
14 grandchildren to see him and he acted really
15 weird about it.

16 They were coming up from Florida,
17 and he acted so weird about it, and he
18 didn't want me there. And I was like,
19 "Okay. Well, you know, we're like so close
20 or whatever, like why don't you want me to
21 meet your family?" And it just felt really
22 weird that he wouldn't let me come over
23 until later, like already left. Everything
24 about that felt so weird to me, like the
25 album.

1 Q. But you also asked her about the
2 sexual assaults again, correct?

3 A. Yes.

4 Q. Repeatedly, correct?

5 MR. GRANT: Object to form.

6 A. About any consensual and about the
7 whole incident again, to see if her memory had --
8 anything else had sparked her memory.

9 Q. (BY MS. BAEHR-JONES) Whose idea was
10 that?

11 A. We spoke with it and -- pretty much
12 supervision. We just went over it again.

13 Q. Who was -- when you say
14 supervision, who do you mean?

15 A. It probably, most likely, been my
16 immediate supervisor at the time and the lieutenant
17 and captain.

18 Q. And who were those people?

19 A. Captain Peters, Lieutenant Don
20 Shepard, probably Sergeant Hilton. And I don't
21 recall at that time if Toma Sparks was involved or
22 not with the acting sergeant role.

23 Q. Who was there the day that A.A.
24 came back for the second interview?

25 A. I believe I was the only one in the

1 right? It was a court order, correct?

2 A. A court order of no contact.

3 Q. Correct.

4 Based on a violent physical
5 assault.

6 MR. GRANT: Object to form.

7 Q. (BY MS. BAEHR-JONES) Did you ever
8 find that out?

9 A. I did not research it.

10 Q. Before you went and spoke to him?

11 A. No.

12 Q. Did your supervisors know that you
13 were going to be going to speak to Mr. [REDACTED]?

14 A. It was at the request of ADA Ray to
15 speak with any family members.

16 Q. Including the estranged father of
17 her child?

18 MS. BEREXA: Object to form.

19 A. Yes, about the welfare.

20 MS. BAEHR-JONES: Let's go to
21 19:34.

22 (Video playing).

23 VIDEO INTERVIEWER: Sleeping over
24 at his house. You wake up to him having sex
25 with you is what -- what's in the statement.

What -- what was the conversation with that night prior, or what was -- what was going on the night prior? Do you remember the conversation? Was it any -- anything that would make him believe that it was consensual, that you --

(Video stopped) .

8 Q. (BY MS. BAEHR-JONES) Why would her
9 conversation from the night prior have anything to
10 do with her waking up, being unconscious and waking
11 up to being raped?

MR. GRANT: Object to form.

MR. RADER: Same objection.

14 A. Just seeing if there was any kind
15 of consensual sex the night prior, so I could let
16 the ADA know.

MS. BAEHR-JONES: Let's go to

21:44

Okay. We're at 21:43.

(Video playing).

VIDEO INTERVIEWER: Now, whenever it says you woke up to him having sex with you, you told him no, and he get off of you.

(Video stopped).

25 O. (BY MS. BAEHR-JONES) So this is the

1 third time that you've literally brought up you woke
2 up to him having sex with you, right, in this one
3 interview?

4 MR. GRANT: Object to form.

5 A. I believe.

6 Q. (BY MS. BAEHR-JONES) Do you think
7 that might have been traumatizing for her?

8 A. I'm just trying to get it straight
9 in my head as I go.

10 Q. Is it possible that asking a rape
11 survivor three different times in an interview the
12 circumstances of her rape would discourage her from
13 pursuing her case?

14 MR. GRANT: Object to form.

15 A. I don't know.

16 MS. BAEHR-JONES: Let's go to
17 24:35.

18 (Video playing).

19 VIDEO INTERVIEWER: So he's trying
20 to pull your clothes back off. So and
21 then -- I mean, what was the conversation?
22 You came -- you come back. Why? Why would
23 you come back after this? Why didn't you
24 call 911?

25 (Video stopped).

1 Q. (BY MS. BAEHR-JONES) Did you hear
2 in this clip you asked her why did she come back
3 after that, why didn't you call 911, right?

4 A. Yes.

5 Q. And this is counter to the protocol
6 that you reviewed earlier from District Attorney
7 Finney that says you should not ask victim-blaming
8 questions, correct?

9 MR. GRANT: Object to form.

10 A. Yes.

11 Q. (BY MS. BAEHR-JONES) And avoid
12 victim-blaming questions such as why did you or why
13 didn't you, correct?

14 A. Yes.

15 Q. You then asked her -- well, let's
16 keep going.

17 (Video playing).

18 VIDEO INTERVIEWER: Why didn't
19 you -- did you reach out to anybody? Your
20 mom? Your friend that introduced you two?
21 Did you tell anybody about it? Did you tell
22 [REDACTED]?

23 VIDEO INTERVIEWEE: I don't have no
24 kind of personal relationship.

25 VIDEO INTERVIEWER: Not at all? Is

1 it just a --

2 VIDEO INTERVIEWEE: Strictly
3 parenting.

4 VIDEO INTERVIEWER: Just parenting.
5 Just dropping the kid off.

6 VIDEO INTERVIEWEE: Like not even
7 any jokes or anything. Nothing.

8 VIDEO INTERVIEWER: Okay. What
9 about your relationship with your mother?
10 Do you -- did you tell her anything about
11 it?

12 (Video stopped) .

13 Q. (BY MS. BAEHR-JONES) So you then
14 ask her six different times if she told anyone about
15 it, correct?

16 MR. GRANT: Object to form.

17 A. Trying to find anybody that she
18 may -- may be a witness, confided it to.

19 MS. BAEHR-JONES: 26:15.

20 (Video playing) .

21 VIDEO INTERVIEWER: So I'm
22 guessing -- I mean, whenever you said you
23 wake up to him having sex with you, is it
24 vaginally or what? Were all your clothes
25 off?

1 (Video stopped) .

2 Q. (BY MS. BAEHR-JONES) So this is --
3 now you're asking her for the fourth time about
4 waking up to him raping her, correct?

5 A. Yes, details of the incident.

6 MS. BAEHR-JONES: Okay. Let's go
7 to 27:30.

8 (Video playing) .

9 VIDEO INTERVIEWER: You talked --
10 talked to him at some point. So -- and then
11 it says that you continue -- obviously
12 continue doing cocaine, drinking.

13 What all did you drink?

14 VIDEO INTERVIEWEE: Mostly like
15 1800 was my drink, but his drink was the
16 vodka. So like sometimes if I didn't have
17 like --

18 VIDEO INTERVIEWER: Okay.

19 VIDEO INTERVIEWEE: -- I just drank
20 his.

21 VIDEO INTERVIEWER: But the drug
22 use was cocaine and alcohol.

23 VIDEO INTERVIEWEE: And the tox
24 screen shows that I was on like something
25 else, too, but I never took anything else at

1 all.

2 VIDEO INTERVIEWER: Have you ever
3 taken anything else at all?

4 VIDEO INTERVIEWEE: Yeah.

5 VIDEO INTERVIEWER: What else would
6 you take?

7 VIDEO INTERVIEWEE: I 've taking
8 pain pills before.

9 VIDEO INTERVIEWER: Pain pills?

10 VIDEO INTERVIEWEE: Yeah.

11 VIDEO INTERVIEWER: During this
12 time that you was with him, was you taking
13 them?

14 VIDEO INTERVIEWEE: No. I was like
15 two years clean at that point.

16 VIDEO INTERVIEWER: Okay.

17 (Video stopped).

18 MS. BAEHR-JONES: Then we're going
19 to go to 30:10.

20 INTERVIEWER: So you go back, you
21 continue all this drug use, the drinking.

22 [unintelligible]. You still stay the night
23 at his house at that time?

24 INTERVIEWEE: Yeah. We started
25 going on the couch and stuff

1 [unintelligible].

2 INTERVIEWER: Okay.

3 Q. (BY MS. BAEHR-JONES) Does it appear
4 to you that the victim is getting increasingly
5 discouraged during your questioning?

6 A. When watching it now she's -- yes.

7 INTERVIEWER: When you say the
8 other one, what? What other one?

9 Q. (BY MS. BAEHR-JONES) It looks like
10 right here you're actually reading from her
11 statement again, is that right?

12 A. Yes.

13 Q. And you're just re-asking her about
14 the other incident of sexual assault?

15 A. Correct.

16 INTERVIEWEE: [unintelligible].

17 INTERVIEWER: Squatting over your
18 face, doing what?

19 INTERVIEWEE: Rubbing himself on
20 the --

21 Q. (BY MS. BAEHR-JONES) Does it appear
22 the victim is now breaking down?

23 A. Yes.

24 INTERVIEWER: And did you tell him
25 to quit?

INTERVIEWEE: I don't really remember. I pushed him off of me. I don't know what happened.

Q. (BY MS. BAEHR-JONES) And the victim is now crying, correct?

A. Yes.

Q. And I want to refer you to what we're going to mark as Exhibit 32. I don't think I've given this to you yet.

So do you recognize this?

MR. RADER: Do you have a Bates stamp number?

MS. BAEHR-JONES: Yes. Sorry.

I'll read that into the record, and there are copies for everyone. So this is CITY-76094.

Oh, we're just going to do the first -- well, we'll divide this up. I'm only going to have the first -- I think you gave them the full copy. This is just -- what the witness has is.

MR. RADER: Sorry.

MS. BAEHR-JONES: That's okay.

So just for everyone -- counsel, you've actually been given three exhibits in